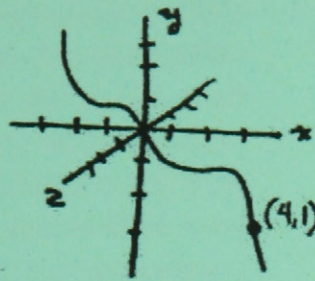
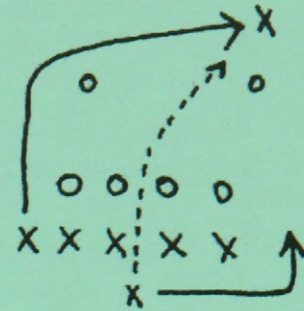


# Quid Novi

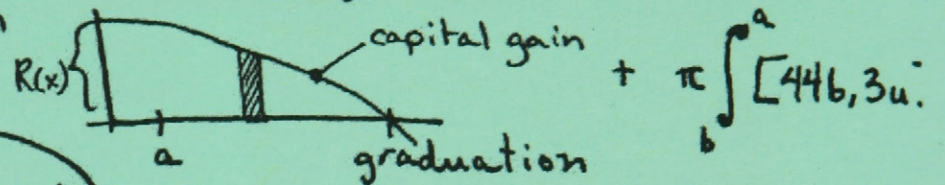
McGill University, Faculty of Law  
VOLUME 22, NO.10



$$\int \frac{dx}{5-4x^2}, \text{ Let } \frac{u'}{\sqrt{u^2+1}}, \therefore \frac{d.n}{dx} \left( \frac{B.C.L.}{L.L.B.} \right)$$

but only if  $\Delta V = \pi R^2 \Delta t + \frac{1}{2}a$ , + J.D. (U of T?)

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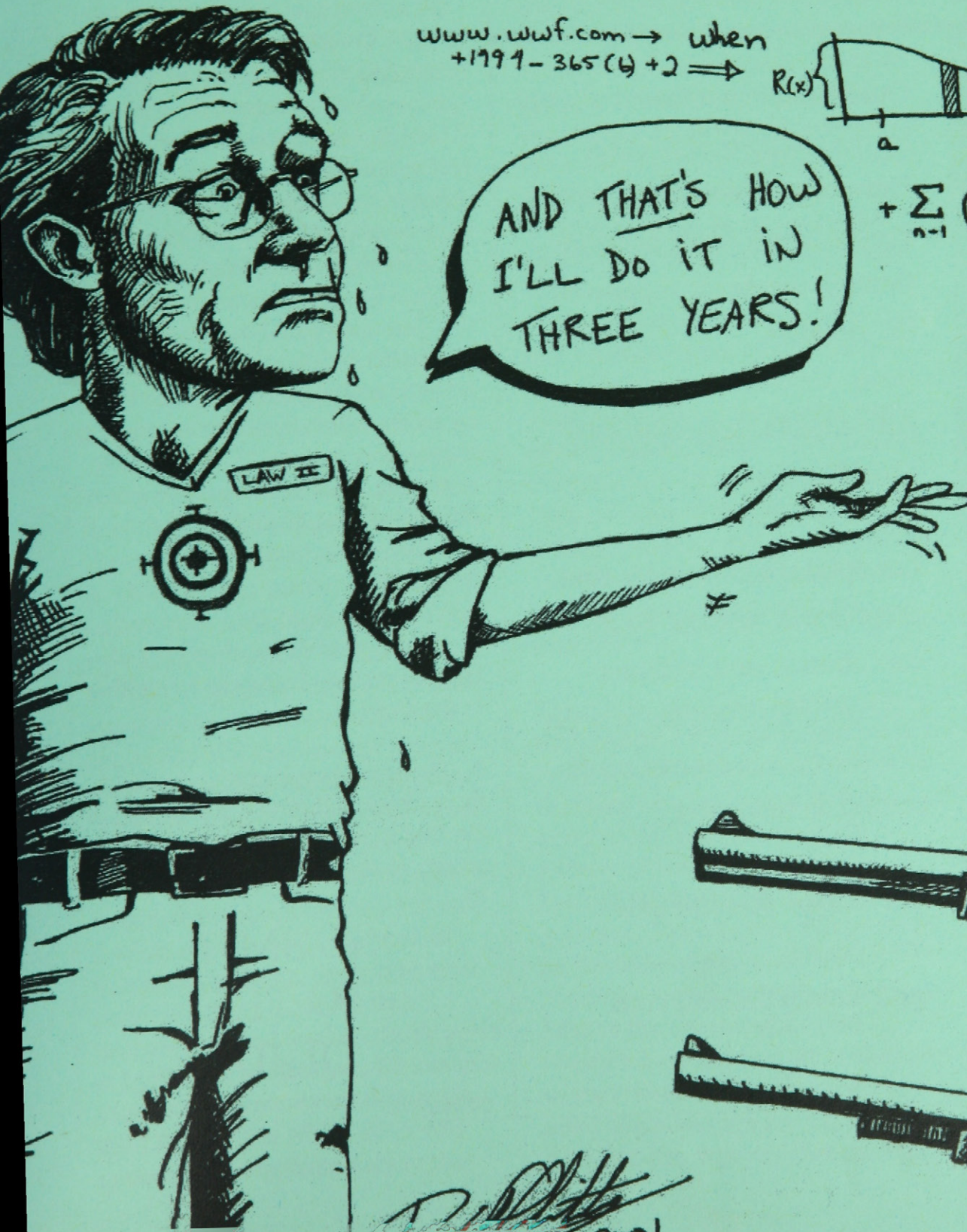


$$+ \sum_{n=1}^a \left( \frac{2x^3 - 4x^2 + x + 492}{2\cos|x|!} \right) = 49.$$

$$\sqrt{49} = 7 \rightarrow 7 \neq 24$$

$$\frac{24}{8} = 3$$

AND THAT'S HOW  
I'LL DO IT IN  
THREE YEARS!



*[Signature]*  
2001



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quid\_novi@hotmail.com

## Quid Novi

3661 Peel Street  
Montreal, Quebec  
H2A 1X1  
(514) 398-4430

**REDACTRICES-EN-CHEF**  
Rebecca Hare and  
Marta Juzwiak

**MANAGING EDITOR**  
Kristine Doederlein

**ASSOCIATE EDITORS**  
Joe Mik  
Wanda Simek  
Rosalie-Anne Mandich  
Tichoux

**LAYOUT EDITOR**  
Nancy Charbonneau  
Fabien Fourmanoit

**WEB EDITOR**  
Adam Allouba

**COVER ARTIST**  
Dennis Galiatsatos

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Les articles peuvent être envoyés au  
quid\_novi@hotmail.com.

## Editor's Note

Dear all,

First off, the ever-recurring *Quid* apology - last week Edmund Coates' article was missing some paragraphs, Marta apologizes for this oversight.

Next, recent articles have caused me to ponder the purpose of life (wait, that was because of something I saw on *Oprah*); recent articles in the *Quid* have caused me to ponder the purpose of the *Quid*. I'm not exactly sure what purpose the *Quid* serves but I do have some submission suggestions.

1. GET OVER YOURSELVES YOU FREAKS!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

2. If you can't get over yourself and feel you need to jump into political debates and/or lambast a fellow student, please be responsible about it. When criticizing other students' articles, you might want to make sure that you understood what was being said in the article at issue. There really is nothing more pathetic than an article which basically amounts to a statement such as: "I'm not really sure what Madam X was saying but I think it's F and, if so, I am highly offended and I disagree for the following reasons..." Just pick a time, meet behind the library and kick each other in the shins; it's at least as constructive as name-calling in the *Quid*.

3. There is an entire universe out there chock full of fascinating shit. Go find it, then ponder it, then write an article about it and then...(wait for it)...

**SUBMIT  
TO THE  
QUID!**

rebecca.



# The New BCL/LLB (Honours) Programme

by Professor René Provost, Associate Dean (Academic)

In May 2001, the University Senate approved the creation of two new undergraduate programmes for the Faculty of Law: an Honours Programme and a Majors Programme. These were given approval too late to be included in the 2001-2002 Registration Materials, which had already been sent out by that time. The Senate had earlier approved the creation of the Law Faculty's Minors Programme, which is described in the Registration Materials (page 14). An information session was held in the Moot Court last September 12<sup>th</sup> to provide information regarding these three new programmes. The present article aims to summarize information relevant to the Honours Programme. Two more articles in coming issues of the Quid Novi will cover the Minors and Majors Programmes. (Note that this article was initially submitted to the Quid on October 26<sup>th</sup>, and was circulated by email to all students on November 2<sup>nd</sup>).

All three programmes represent the final component of the revision of the Faculty's curriculum which started in 1995. One of the key themes of curricular reform has been a desire to ensure greater overall coherence within the law programme. As such, significant efforts were invested in the design of a year-to-year progression plan articulating specific goals for the first, second and upper years along with identified skills and knowledge sets. The reduction of the length of the programme to 105 credits, made possible because of integrated teaching, opened up new possibilities for those students wishing to spend four academic years at McGill. The Honours, Majors and Minors Programmes are thus envisaged as elements which are purely optional and supplementary to the

regular programme leading to the BCL/LLB. They all involve taking between 15 to 18 credits over and above the 105 credits required to obtain the BCL/LLB, and all offer innovative and exciting vehicles to expand the boundaries of legal education.

The Honours Programme aims to provide within the undergraduate programme a space in which advanced legal research of the highest quality can be pursued. It represents either a bridge with, or an alternative to, the pursuit of graduate studies in law. In particular, it offers a unique opportunity for advanced research for those students who cannot proceed to graduate studies in law, for financial or other reasons. At its core is the research and drafting of an extended written project, the Honours Thesis, to be completed over a period of one and a half academic years. The goal is to provide students with an opportunity to produce a substantial work of publishable quality. The Honours Programme thus represents a concrete instance of including in the undergraduate programme the special vocation of the McGill Faculty of Law for research and academic excellence.

There is no automatic admission to the Honours Programme, and space is limited due to resource constraints. Students who have completed two years of full-time studies in the Faculty of Law may petition the Faculty for admission to this programme. The selection will be made on the basis of the candidate's academic record in the Faculty of Law so far, the strength of the research proposal, and the availability of supervision. There is a requirement of a minimum law CGPA of 3.00, but it is expected that students

admitted will in fact have a higher law CGPA. Students wishing to apply must develop a research project in consultation with a member of the Faculty and submit a thesis proposal of approximately 1200 words. The Honours Thesis is expected to be approximately 30 000 to 35 000 words in length, and will be graded on a Pass/Fail basis by the supervisor and another examiner. A student having successfully completed the Honours Programme will be awarded the degree of BCL/LLB (Honours) upon graduation.

The sequence for students wishing to participate in the Honours Programme is as follows: In the fall of the third year, interested students submit an application for admission to the Honours Programme, on the basis of a research project developed with the assistance of a Faculty member. Applications this year must be handed in at the OUS by Monday 26 November 2001 at 15h00. An application form shortly will be available at the OUS. Note that this date is likely to be moved to the beginning of the fall term for the academic year 2002-2003. Students will be informed of the result of their application by the beginning of the winter term. Students admitted to the Honours Programme register for the course Honours Thesis I (3 credits) either in the winter or summer term of their third year. In their fourth year, students in the Honours Programme normally register for the courses Honours Thesis II (6 credits) in the fall term and Honours Thesis III (6 credits) in the winter term. The thesis must be submitted by the end of the fourth academic year, at a date to be set by the Faculty, to allow the supervisor and another examiner to grade it in time for the student to graduate in June.



# The New Major Concentrations Programme

by Véronique Bélanger, Assistant Dean (Student Affairs)

(Copies of this document are available at the OUS)

The programme consists of a series of four designated Major Concentrations: Commercial Negotiation, Dispute Resolution, International Governance and Development, and Trial and Appellate Practice. Each Major Concentration is articulated around a synthetic "skill-set" driven by a transversal theme and inspired by a trans-disciplinary approach. Law and non-Law courses may be combined with the practical experience acquired during an internship to allow students to test the "skill-set" in a practical setting. The required writing of an independent essay is seen as a further inducement to integrate the various academic and clinical strands of each Major Concentration and, more broadly, of legal learning.

The Majors are broader in scope than the Minors in that they reach back into the "basic" McGill Law Programme to require students to choose, as part of their 105 credits, at least 18 credits from designated options corresponding to each specific Major Concentration. Students must complete an additional 18 credits in the Major for a total of 123 credits. At least 6 of the 36 total credits for the Major must be taken in non-Law courses.

## Academic Requirements

The Major Concentrations Programme is open to all law students having completed two terms in the Faculty. Students must declare a Major no later than the deadline for registration for their third year. For the academic year 2001-2002, the deadline has been extended to **Friday, January 11, 2002**. An application form is available at the

OUS.

Upon the successful completion of at least 36 credits in an approved Major Concentration, 18 of which are in addition to the basic 105 total credit requirement for the B.C.L./LL.B. programme, and at least 6 of which must be for non-Law courses, students will be granted at the time of graduation a "B.C.L./LL.B. with Major Concentration in [specific Major option]."

### 1. Required course (3 credits)

Law:  
496-491, 496-492, 496-493, 496-494, 496-495, or 496-496 Term Essay (3)

All Major students must write a term essay on a subject related to their specific Major. The essay is to be written in the fourth year of the programme, normally in the Winter term, in order to allow the student to integrate the various academic and clinical strands of the Major. As is the case for all essays, approval of the Associate Dean (Academic) is required.

### 2. Complementary Courses (33 credits)

Major students must complete 33 credits within this group of complementary courses, of which at least 6, but no more than 12, must be non-law credits.

Students who have declared a Major may still take up to 12 non-law credits as part of their basic B.C.L./LL.B. programme, subject to the provisions of the *Policy Regarding "Outside Credits"*. However, the total number of B.C.L./LL.B. non-law credits and Major Concentration non-law credits cannot exceed 18. In

other words, if a student takes, for instance, 9 non-law credits as part of her Major Concentration, she can only take 9 non-law credits as part of her B.C.L./LL.B. degree.

If a student declares a Major and subsequently fails to complete the requirements for the granting of that degree, non-law courses taken pursuant to the Major will not be transferred to count toward the B.C.L./LL.B. degree. Note also that the non-law courses included in the four Major Concentrations will not necessarily be approved as B.C.L./LL.B. non-law credits.

All that being said, students are actively encouraged to take more than 6 non-law credits as part of their Major, and to choose non-law courses from at least two distinct disciplines.

Law students must obtain approval from the Faculty of Graduate Studies before taking non-Law courses at the 600 or 700 level and will be expected to have maintained a CPGA of 2.9 to be eligible for those courses.

Complementary courses listed for each option may from time to time be replaced by courses agreed upon by the Associate Dean (Academic).

### 2.1. Major in Commercial Negotiation

Law:  
496-301 Commercial Negotiation Internship (6)  
471-500 Complex Legal Transactions I (3)  
471-501 Complex Legal Transactions II (3)  
485-483 Consumer Law (3)  
389-524 Entertainment Law (3)  
389-544 International and Domestic



Documentary Sales (3)  
 389-515 International Carriage of Goods by Sea (3)  
 389-543 Law and Practice of International Trade (3)  
 472-349 Lease, Enterprise and Suretyship (3)  
 496-481 or 482, 389-508 or 509  
 Research Seminars (2): *topic must be related to Commercial Negotiation; approval of the Associate Dean (Academic) required*  
 483-435 Restitution (3)  
 471-200 Sale (4)  
 471-400 Secured Transactions (4)  
 389-521 Trade Regulation (3)

#### **Economics:**

154-546 Game Theory (3)

#### **Management:**

275-452 Consumer Behaviour (3)  
 272-420 Managing Organizational Teams (3)  
 275-354 Marketing Management (3)

#### **2.2 Major in Dispute Resolution**

#### **Law:**

491-400 Administrative Process (3)  
 389-502 Canon Law (3)  
 389-517 Comparative Legal Institutions (3)  
 496-440 Court and Administrative Tribunals Clerkship (6)  
 496-300 Dispute Resolution Internship (6 credits)  
 495-369 Labour Law (3)  
 389-518 Policies, Politics, and the Legislative Process (3)  
 496-481 or 482, 389-508 or 509  
 Research Seminars (2): *topic must be related to Dispute Resolution; approval of the Associate Dean (Academic) required*  
 389-533 Resolution of International Disputes (3)  
 389-513 Talmudic Law (3): *anti-requisite for Social and Ethical Issues in Jewish Law, Jewish Studies 135-316 (3)*

#### **Educational and Counselling**

#### **Psychology:**

412-501 Helping Relationships (3)  
 412-501 Group Processes and Individuals (3)

#### **Islamic Studies:**

397-706 Islamic Law (6)

#### **Jewish Studies:**

135-316 Social and Ethical Issues in Jewish Law (3): *anti-requisite for Talmudic Law, Law 389-513(3)*

#### **Management:**

272-633 Managerial Negotiations (3)

#### **Political Science:**

160-677 International Crisis, Conflict, War (3)

#### **Social Work:**

407-374 Community Development/Social Action (3)

#### **2.3 Major in International Development and Governance**

#### **Law:**

389-570 Comparative and International Protection of Minorities' Rights (2)  
 389-579 Current Problems of the International Legal Order (2)  
 389-516 International Development Law (3)  
 389-546 International Environmental Law (3)  
 496-302 International Governance Internship (6)  
 496-020 International Human Rights Internship (6)  
 389-571 International Law of Human Rights (3)  
 491-105 Public International Law (3)  
 496-481 or 482, 389-508 or 509  
 Research Seminars (2): *topic must be related to International Development and Governance; approval of the Associate Dean (Academic) required*  
 387-637 Space Law and Institutions (3)  
 389-533 Resolution of International Disputes (3)

#### **Anthropology:**

151-439 Theories of Development (3)

#### **Economics:**

154-453 International Economics (6)

#### **Geography:**

183-408 Geography of Development (3)

183-410 Geography of Underdevelopment: Current Problems (3)

#### **Management:**

276-469 Managing Globalization (3)

#### **Political Science:**

160-522 Politics of Developing Areas (3)

#### **2.4 Major in Trial and Appellate Practice**

#### **Law:**

496-159 Advanced Appellate Court Advocacy (2)  
 491-421 Advanced Criminal Law (3)  
 476-188 or 476-195 Advanced Mooting (3)  
 472-459 Civil Litigation Workshop (3)  
 496-440 Court and Administrative Tribunals Clerkship (6)  
 496-303 Court Practice Internship (6)  
 491-422 Criminal Procedure (3)  
 471-415 Evidence - Civil Matters (3)  
 471-426 Evidence - Criminal Matters (3)  
 472-425 Judicial Law and Evidence (3)  
 482-434 Remedies (3)  
 496-481 or 482, 389-508 or 509  
 Research Seminars (2): *topic must be related to Trial and Appellate Practice; approval of the Associate Dean (Academic) required*  
 491-424 Sentencing in Canadian Law (3)  
 491-420 Trial Advocacy (3)

#### **Communications:**

109-649 Audience Analysis(3)

#### **Economics:**

154-546 Game Theory (3)

#### **Philosophy:**

107-210 Introduction to Deductive Logic (3)  
 107-415 Philosophy of Language (3)

#### **Sociology:**

166-511 Movements/Collective Action (3)  
 166-350 Statistics in Social Research (3)



# Notorious – Correction

by Edmund Coates, Nat IV

**N**early every member of the Law School is partly the descendant of slaves. Slavery has weighed on nearly every inhabited area of the globe from Tibet to Scandinavia. Large scale slavery existed in sub-Saharan Africa even before the rise of Islam. Many aboriginal groups in North America owed slaves. In the early Middle Ages, roughly 10% of the population of England were slaves. Neither the slaves, nor the slave owners, deserved their respective status. Thus, no particular shame or honour attaches to having slave ancestors.

Reasonable people, who saw themselves as moral, and some of whom were likely quite moral in other areas of their life, upheld

slavery and could swamp considerations of humanity.

Slavery stands as a particularly striking injustice to today's eye, but it was a pedestrian fact to yesterday's eyes. Old legal documents concerning slavery challenge us to examine today's automatic ways of seeing the institutions of our society. The documents show us interpreters applying legal concepts in good faith. The interpreters act as good servants of the legal system, and yet support an absurd institution. Slavery relied on the law as its cornerstone, as does any institution of property. Slavery also relied on mental restrictions on the part of the interpreters, the enforcers, and the subjects of the law. Our laws today rely on mental restrictions too: we unthinkingly apply certain concepts to certain

objects and not to others. We cannot escape from our concepts (where would we escape

**We unthinkingly apply certain concepts to certain objects and not to others.**

slavery. David Wiggins finds, after a survey of the slavery abolition debates in the British Parliament that: "What stood in the way of the acknowledgment of the insupportability of slavery was not really the existence of another sustainable position on the matter but mainly the thought that 'Though men may be generous with their own property, they should not be so with the property of others.'" Finally, Parliament decided to spend the enormous sum (for 1833) of 20 million pounds to indemnify the slave owners and free the 776 000 slaves in the Caribbean colonies. The idea of property anchored the institution of

to?). Our justifications and understandings only work between conceptually structured items. Yet we have some choice, as to the degree to which we will be mastered by our received ideas.

I presented, in last week's Quid, my translation of a slavery decision rendered by one of the principal judges in France. Unfortunately, that Quid only carried the first sentence and two fragments of other sentences of the judgment. I therefore have the pleasure of presenting the decision again below. In its time, the decision was important because it settled the second most important question in Civilian categorization.

The first question was: "is it property?". A "yes" to the first question led to the second: "is it movable or immovable?". The judgement decides, for places under the Coutume, that the slaves are movables, but notes that in the places under the Droit Écrit the slaves would be movables. As usual, "la decision [ce que] vaut ses motifs": how the judge gets there, how the judge blithely applies received principles, is the most interesting part.

[translation] ACT OF NOTORIETY given by Monsieur le Lieutenant-Civil du Châtelet. On the request to the court made by Me Fossier, mandated by Me Marin Bullet, attorney at Mans and Magdelaine Yvon his wife, heirs of the deceased Jacques Yvon, sieur Deslandes, the King's Lieutenant in the island of Saint-Domingue in America; which parties say that the deceased was the owner of the plantations of la grande Rivière and of de la Frelatte in that island, the deceased had bought from 50 to 60 Negro slaves, who worked the plantations; Mistress Marie Ciret, his wife, took possession of all her husband's property at his death, believing that the parties applying to me would not hear of his death; the parties applying to me sought, as against the heirs of Marie Ciret, the restitution of the said plantations with the Negroes, [they alleged that] the Negroes formed part of the plantations, being deemed immovables, following the tacit terms of the Coutume de Paris, which Coutume was followed in the island of Saint-Domingue, and which Coutume disposes of like cases, such as pigeons in a pigeon cote and the fish in a pond, which are deemed immovables, following article 91 of the Coutume. The heirs of the said Ciret willingly concede the ownership of



the plantations; but they claim that the Negroes are movables, and refuse to return them; thus the request before me for an act of notoriety, declaring that the Negro slaves, serving in the said plantations, are immovables.

We, after taking the advice of the senior lawyers, and communicating both with the King's people and the Conseillers du Siège, say that,

following the usages of the Coutume, farm beasts are not part of the farm but are sold separately. In successions, the beasts belong to the heirs of the movables; and the creditors of the succession distribute the beasts or their proceeds between themselves, according to the ledger of what is due to each creditor. Since Saint-Domingue follows the Coutume de Paris, the Negros on this

island are not part of the lands, but are sold or are distributed like movables, which we attest. This characterization is not that which prevails in the parts of France under a Written law, but is rather a metropolitan law, which is always followed in the places which follow the Coutume de Paris. Done and given, etc. 13 November 1705.

# Harry Potter and the Legal Drone

by Grant McIntyre, Law III

About a year ago I was in Toronto visiting my brother Gary when he passed me a novel to read. Now Gary happens to be one of those far too intelligent people (he got all the brains in the family, the bastard) and I long ago realized that he has read almost every book published in the English language. So when he tells me to read something I jump at it.

So that was how I came to read the *Harry Potter* series. They are fantastically engaging books that are a perfect antidote to law school reading. Rowling transports the reader into an alternative world. But the strength of the novels is that the description of the places, people and events does not lead you through them, but teases your imagination into creating the world yourself.

As with many other tales, I have pictures of each of the characters in my mind. Everything that is told in those tales is transformed into my own picture of what they would look like. And so it was with trepidation that I awaited the "Big Screen" adaptation of the book.

Film has the intense power to annihilate all of those personal constructions that I made while reading. Suddenly my vision of what occurred is supplanted by the visuals of the construct on display in those darkened rooms of human interac-

tion. My vision of *Gone with the Wind* will always be Vivien Leigh. Moses is Charlton Heston. Lee Harvey Oswald is Gary Oldman.

David Cronenberg (whom I consider one of the best commentators on the post-modern condition – yes, I'm serious) posited that the television has become the retina of the mind's eye. And I see the verity in that statement. When I consider what a tiger looks like, I picture a representation that television made for me. I've never seen one, but that representation is now my own. And I realize that once I see *Harry Potter* the film, my personal interpretation will be gone.

A story around the film of *Harry Potter* illustrates this fact quite effectively. When the trailer first

came out, fans of the books were up in arms over the placement of a scar on Potter's face. Now, Harry has a lightning

bolt shaped scar on his forehead from the fight that slaughtered his parents and left his nemesis gravely injured. On the cover of the books, the scar is plainly in the center of his forehead. But in the film, the scar is to the right

of center. Suddenly, people were screaming about altering the book.

But Rowling stepped in and noted that the placement of the scar was never mentioned in the text. The readers had incorporated the artist's representation and made it their own.

And then I noticed that law school has done the very same thing to me in my years here. When we talk about thinking like a lawyer and speaking in the language of the law, we mean forever altering our perception of life. I'll read the facts of a case and have an idea of how it should be resolved; even if my ideas are not those accepted by the court, my interpretation of those facts is altered by the judge's reasoning.

And I realize that just as a film changes my vision of a book, the law

Just as a film changes my vision of a book, the law alters my vision of the world.

alters my vision of the world. My major complaint about higher education used to be that everything we had to say in an essay had to be supported by secondary sources. There was no room for originality or



for personal reflection. And now as I mark case comments, I see that I am making the same judgments of others' work. When did my change in perception occur? And why?

Why is it that only arguments based on the agreement of previous authors are acceptable? The term "persuasive authority" is loaded with this evaluation. We have fallen into a system whereby our own personal experiences, our wisdom gained by our living in this reality and in this space and time, and our emotional reactions, have no place in an argument on the state of our relations with other people. Why does a case comment have to have any sources at all? Why can it not be a reflection of what we think instead of a rehashing of what was said before us?

Our greatest scientific

thinkers have been the ones who moved outside of those conventions. Did Galileo footnote the idea that two objects, irrespective of their mass, fell to Earth at the same speed? Did Copernicus halt his idea that the Earth revolved around the sun because the major authorities told him it did not? Did Pasteur stop his investigation of microscopic organisms when the scientific community laughed at his ideas? But science can offer objective proof of these facts, you might say. Yes, they can, but why is it that only objective proof, argument devoid of humanity's gift of emotion, is considered the most persuasive form of argument in a realm bursting with emotional context? (In fact, if science followed the same rules as law, I wonder if we would have a system that states that those who claimed the

sun revolved around the Earth were not wrong, but that were only right in the circumstances of that particular case.)

I feel that slice of humanity slowing evaporating out of my identity as I metamorphose into a lawyer. I see myself arguing in favour of concepts I once considered completely outside of the realm of common sense. I hear myself formulate arguments in favour of inhumane results on the basis of sound and logical legal reasoning. And I realize why I can no longer see Harry Potter's scar anywhere but in the center of his forehead.

# Hockey Quiz

(Answers on page 19)

by that quiz guy again

It is our game. It is our passion. It is the only sport that truly fills our souls and matters to us, not just as fans, but as people. ... Hockey defines a Canadian. It is our one true love. It is, disgusted academics aside, the only true binding force from sea to sea.<sup>1</sup>

Due to the, errr, overwhelming response from my last quiz, I thought I'd give you an excuse not to pay attention in another class this week (not that I've ever seen students reading the Quid in class). I thought I'd go with a less 'serious' topic this week, in an effort to please some recent contributors to the Quid. While I await with bated breath the long-awaited 1980s hockey quiz from a certain blond-haired, hockey-loving third year babe-magnet, here are some questions about the origins of Canada's game (and if anyone says anything about lacrosse, come see me when the *Express* or whatever they're called draws nearly the same

attention as the Habs.)

1. Again I'll start with an easy one: who donated the Stanley Cup? Okay, before your head explodes from all the knowledge you possess, how about telling me when, and how much it cost at the time?

2. How could a team win the Cup in the early days? [Hint: the NHL playoffs weren't on every night pre-empting the esteemed journalists at the CBC back in those days.]

3. When was the first professional league formed? [Hint: those great capitalists to the south are responsible for this one – you could say they expanded the game across international lines.]

4. What was the first openly professional team to capture the Cup? [Hint: they were local boys.]

5. What was the only small-market

team (at least relatively) to win the Stanley Cup? [Hint: think Ontario.]

6. What former Ottawa *Silver Seven* and member of the Hockey Hall of Fame was killed in action during the Great War? [Hint: you've probably heard of his cousin, who has a provincial riding in Montreal named after him – at least for now.]

7. How many players were on the ice when the National Hockey Association (NHA) laid down its rules in 1910? [Hint: not the same number as in the West.]

8. When and in what arena did *Les Canadiens* play their first home game?

9. Here is a really nasty one: name the military team that joined the NHA in 1916/17? (Okay Mr. I-know-all-about-Canadian-military-history-because-I-worked-in-a-Canadian-war-memorial-all-summer, let's see



you get THIS one!)

10. When was the NHL formed, and why?

11. When did the first American team join the NHL? [Hint: they're still playing, although it might have seemed like they've been in hibernation the last few years.]

12. The Ontario Hockey Association donated what trophy in 1919? [Hint: think hard, junior!]

13. How many Stanley Cups has Montreal won? [Hint: It's way more than Toronto or Winnipeg.]

14. What Montreal team is the Detroit *Red Wings*' logo based on?

15. The *Canadiens* have gone eight years without a Stanley Cup victory. They have recently been sold, and there are rumours of financial problems – even possible relocation. What year is it? [Hint: I wouldn't be asking the question if I wanted to hear "2001".]

This time at least I'm not going to make you wait. I've handed in the answers to the Quid already, so hopefully they'll appear a few pages hence. So enjoy – and pay attention. The prof just said something really important!!

<sup>1</sup> Malcolm Kelly, "Hockey: Our Game," in *The Complete Idiot's Guide to Canadian Sports History and Trivia* (Scarborough, 1999): 31. (I just wanted to add a footnote, for "legitimacy".)

## A Chip Looking for a Shoulder

by Ashfaq Khalfan, Nat. IV

Eric Gilman's article last week (*Bias: the Misunderstood Shoe*) claimed that I had engaged in a disingenuous attempt to present myself as coming to the Arab-Israeli conflict from an ideological vacuum and to 'cloak' my argument as an "objective, final, sober, thought." According to Eric, by referring to my background, I had implied that Palestinians and Jews were not capable of objective thought – which is offensive.

It is generally bad practise to engage in a counterpoint response; however, my article was misinterpreted by Eric. If I truly had written or implied the words that Eric so graciously ascribed to me, then I would be guilty of perpetuating stereotypical and perhaps even racist thinking. As a person who has worked in four human rights organizations in the past years and who has published in the field of minority rights, such a characterization is deeply galling to me [Coming next week: Angry retort from strongly corporate student incensed at my implied statement that people who do not have human rights backgrounds are racist].

In fact, my article neither said nor implied anything about the judgment of Palestinians and Jews. I simply pointed out that I am neither Arab nor Jewish. While this is not determinative, it does mean that I am removed, to some degree, from the ethnic communities seen to be implicated in the Israeli-Palestinian/Arab conflict. I also mentioned that I was a Muslim since that makes me *less* removed from the conflict. However, I indicated that I try my best to be non-dogmatic and do not automatically take the side of Muslims in conflict with non-Muslims. Having made the latter point, it would be curious for me to imply that Jews cannot do the same. Perhaps to insulate myself against assumptions made by people like Eric, I should put up disclaimers at every turn.

Though not necessary, it is entirely legitimate and common for a person to preface their comments by indicating their personal experience. Every time someone says, for example, "As a Jew, I care about laws on hate-speech" or "As a Canadian, I care about peacekeeping", do they imply that people from other groups are uncaring about such values?

As I indicated in my article

(which I will send to anyone who asks – [khalfaa@lsa.lan.mcgill.ca](mailto:khalfaa@lsa.lan.mcgill.ca)), I referred to my background specifically because I was trying to prevent my arguments from being perceived within a stereotypical frame. I have an Arabic sounding and clearly Muslim name. It is easy for a writer to be seen as simply repeating the received wisdom within their communities. However, it is not as simple as that; many people have multiple identities and varying sources of inspiration, and I listed some of mine. Eric simplistically fell right into the trap I was trying to avoid and referred to the fact that Jews and Muslims are vulnerable to "natural polar forces."

Perhaps I should have not referred to my background, and hoped that my words would speak for themselves. However, I was only too aware of a negative and unhelpful stratagem deployed in a previous article (to which I referred). Elan Roiz criticised Yasmine Hadjoudj for writing an article based on her "summer stint in Ramallah." That author assumed that she had had no exposure to Israel (which she had) and that she had done no concrete research into the issue.

I will not try to address Eric's



further argument that the exercise of putting oneself in the other person's shoes can only be carried out by someone who is actually originating from one of the two perspectives. I will just wonder why there are only two perspectives and note that Eric's argument denies the power of persons who may not be bound up in the conflict to learn about and empathize with the legitimate points of view of

hope for constructive debate on this issue. I did my best to propose fair solutions. If someone disagreed with my arguments or the facts I was basing them on, they probably should write in the *Quid* or send me an e-mail. They say that people get more set in their ideas as they get older, so please try and convince me while I am still young.

In general, though, here is

I'll conclude with a few words about the article by Dennis Galiatsatos and Poseidon Retsinas. I appreciate their sentiments, and initially felt that they were justified. However, I feel that we should be concerned with **how** rather than **whether** the Arab-Israeli conflict should be discussed. A lot of students have mentioned that the debate in the *Quid Novi* was informative to them.

## The objective of (constructive) debate is not only to convince, it is also to increase understanding and work towards consensus.

another (in which case the UN and other international bodies may as well just give up on their attempts to mediate conflicts).

Eric claimed that I had attempted to cloak my piece as "objective" and "final". I did not actually claim to be "objective" (the notion is problematic and subject to extensive debates vis a vis the contending approach of inter-subjectivity). Indeed, my piece was a response to previous articles in the *Quid*. However, I was trying to be balanced and fair. I accepted valid points on both sides, as anyone who carefully read my article (which was, I admit, too damn long) would agree. For example, see my arguments in relation to the right of Jewish-Israelis to the internationally recognised right to self-determination. However, merely pointing out that both sides (Israeli or Palestinian) have valid points only takes us part of the way – we should be at the stage of proposing fair solutions rather than simply trying to score points for one side or another. Eric's claim that I ignored valid points on either side really holds no water since it was neither backed up nor explained.

Contrary to Eric's claim that I presented my article as final, at the end of the article I expressed my

some friendly advice: don't imply and impute, particularly in regards to a politically charged issue – such an approach only fosters misunderstandings. (As they say in the army, when you ASSUME, you make an 'ass' out of 'me' and 'u'). If Eric had doubts about what I meant, he could have mentioned his concerns to me personally and asked me to write a clarification. It was unnecessary to respond with a rude article entirely lacking in goodwill. Eric leapt to the conclusion that I was implying something that I was not, and then proceeded to work himself into a rage about it. It is easy to find offence when one is determined to be offended and when one sees only what one wants to see.

Furthermore, I was extremely disappointed that Eric totally ignored my plea to have a constructive and respectful debate. He ignored the issues I raised and went straight to attacking my approach. Rather than trying to propose solutions or to engage the substantive elements of my article, he simply condemned the bevy of articles and left it at that. The tone of Eric's article was overtly belligerent, hardly the sort of approach one should take to convince anyone else (unless one is trying to play to the gallery, of course).

The media (basically the only non-fiction non-vocation related material most students read) tends not to deal with the issues in such depth. One can disagree with the points by Yasmine Hadjoudj and Alain Murad, but they are obviously very knowledgeable about the issue.

In addition, if we do not have discussions occurring in a multi-ethnic and multi-religious community (and this would be ironic given that one of the principles of our Faculty is that of *Audi Alteram Partem* – Hear the other side/hear both sides), we will be restricting these discussions to culturally homogenous or religious zones – a recipe for disaster. The objective of (constructive) debate is not only to convince, it is also to increase understanding and work towards consensus. Let us not forget some of the achievements on this issue. In the last few years, we have seen a broad convergence of views, at the highest level and by most Jewish, Israeli, Muslim, Arab and Palestinian laypeople on a basic principle: that a Palestinian state should be created and that there should be full recognition of Israel. That, I believe, is room for hope.



## *Law Games Coffee House*

# AUCTION

Are you in the need of someone to teach you how to swim? Need a personal trainer to help you get in shape? Fancy a night of bowling? Or just need some time one on one discussing current events with a prof?

Well then, this is the event for you. For a price, these privileges could be yours. There are more activities for sale, but you'll have to come to find out what they are. We wouldn't want to ruin the surprises...

### **Highlights include:**

- Socializing with everyone's constitutional hero Jean-Francois Gaudreault-Desbiens
- A Motorcycle ride with Peter Wright
- Swimming Lessons with VP Sports herself, Catherine Bleau
- An evening of bowling with LSA President, Eric Gillman

### **Not to mention...**

- If you're lucky, a lively discussion with a mystery professor (whose name may rhyme with swoop...)

So, come on out to the Law Games Coffee House on November 29<sup>th</sup>. It's not far from the library, and if you bid on the right person, revision for those exams could be a bit easier...

Proceeds to go to McGill Law Games Contingent and a charity to be specified.



# L'avis après le «Case Comment»

par Rosalie-Anne Tichoux-Mandich, Law I

**L**undi le 12 novembre à 15:00, au O.U.S.. Le sceau rouge de la secrétaire contre un soupir. Et voilà, en quelques secondes, tout est terminé, le glas sonne la fin des dernières corrections et relectures hâtives. Et pourtant, chacun sait en son for intérieur qu'il a fait de son mieux et que se morfondre sur ce qui aurait pu être fait différemment dans ce devoir est ridicule et injuste envers tout le travail et le temps qu'il y a investi. Allez, on ne va quand même pas se rendre maboules pour un malheureux petit «case comment»! Je vous dirai bien franchement que j'ai même bien aimé ça et que j'ai regretté de ne pas

fin de semaine arriver. Cet après-midi-là, une véritable délégation d'étudiants de première année tapaient des mots-clés sur Muse et Quicklaw, sillonnaient les rangées d'étagères recherchant LE livre dont ils avaient besoin, se précipitant pour devancer les autres de leur groupe; les ascenseurs ne savaient plus où s'arrêter et, impatients, quelques-uns dévalaient les marches dans la cage d'escalier pour trouver une photocopieuse libre. Impossible de trouver un seul livre à sa place: quelqu'un, plus rapide que moi, était déjà parti avec *mes* sources. Oui, je dis *mes* sources parce que *moi* j'en avais besoin et *quelqu'un* avait osé tout prendre. Non, mais! Et moi qui

pensais qu'on était censé s'entraider, partager nos idées et nos documents! Cette compétition entre les étudiants empirait l'ambiance

samedi, j'ai reçu un courrier électronique d'une personne dans mon groupe qui nous demandait si on avait emprunté un certain livre car il le lui fallait vraiment. Plusieurs auraient bien aimé pouvoir profiter de certaines sources et il aurait fallu qu'elles soient disponibles pour tous. Emprunter un livre est plus que normal quand on va à la bibliothèque; mais, emprunter un livre, sachant pertinemment que d'autres personnes en auraient tout autant besoin pour un devoir noté n'est plus juste. Je me rends bien compte qu'il aurait été impossible de mettre de côté tous les documents que les étudiants auraient potentiellement pu consulter pour leur travail car les sujets possibles étaient si vastes qu'il aurait fallu mettre l'entière bibliothèque de côté. Peut-être que la solution serait tout simplement de dire que, dans un cas semblable, aucun étudiant concerné ne peut emprunter quoique ce soit lorsqu'un tel travail est donné. Après tout, ce n'est pas une compétition entre nous et l'esprit d'équipe n'a jamais tué personne...

Ceci dit, ce sont maintenant les examens qui nous préoccupent. Je vous souhaite donc à tous une révision saine (!) et, oui, du courage ... Après, c'est les vacances,... sans oublier les Law Games, bien sûr ! Wabadabadoowooptidoo !!!

**Emprunter un livre, sachant pertinemment que d'autres personnes en auraient tout autant besoin pour un devoir noté n'est plus juste.**

pouvoir approfondir ma recherche. Oui, oui, ça peut être très intéressant et agréable si on ne l'aborde pas dans la simple perspective d'une vulgaire évaluation!

Maintenant que la vie des étudiants de première année a repris son cours «normal» et que la torpeur post-«case comment» s'est dissipée, j'aurais aimé faire une suggestion qui pourrait être à l'avantage de tous.

Les quelques jours suivant le mardi où chaque groupe a reçu son sujet, nous sommes tous partis à la recherche de renseignements, sources et documents à la bibliothèque. Tous n'ayant pas encore trouvé leur thèse, ce n'est que le jeudi qu'on s'est activé, voyant le temps passer et la

déjà fébrile qui régnait. C'est à ce moment que j'ai réalisé que les livres que plusieurs d'entre nous cherchions vainement avaient probablement été empruntés. Avec les autres qui avaient le même problème, on a fait le tour de toutes les salles de photocopieuses et des tables de travail, espérant y trouver des livres abandonnés par quelqu'un qui s'en serait déjà servi. On s'est aussi rendu compte que certains livres avaient été *intentionnellement déplacés* dans les rayonnages, les rendant franchement impossible à retracer. Pourtant, il était évident que certains livres en particulier seraient très utiles à plusieurs d'entre nous, et pas seulement à un seul groupe. Le





# Bridget Jones Goes to Law School<sup>\*</sup>

by V. Henderson, Esq. & N. Lachance, Nat IV

Thursday 22 November 2001

131 lbs. (must do diet before weekend), thigh circumference 21" (will definitely do diet before weekend), alcohol units 4 (on diet already), cases read 0 (ok, as is still early).

Have recently been subjected to v. enlightening experience. Bosom friends Hermia and Lillian dropped in for cocktails last night after work. Flipping channels absentmindedly, stopped dead on YTV, where spotted exhibitionist actor bf not sporting moustache but rather horrifying silver superhero suit with lightning bolt on chest identifying him as Storm Man. Appalled, stared openmouthed for a moment, looked back and forth from Hermia to Lillian to television screen and back again, before Lillian helpfully offered, "Thirty-three is too old for you anyway, darling. Here, have another drink."

Traditional post-coffee-house dinner at Entrecôte St.-Jean always fabulous forum for updating career and singleton news. Lillian obviously top associate as billing nearly one thousand hours per week in corporate department at posh Boston firm. Thank goodness for American Thanksgiving, or else would never see her. Hermia all aglow thinking about upcoming one year anniversary surprise date with management-side labour lawyer bf. On the one hand, glow apparently betrays Hermia's satisfaction with renunciation of solicitous celibacy. On the other hand, long-term monogamous relationships often evolve into situation akin to solicitous celibacy, from what have come to understand. Of course, own experience irrelevant as have never actually been in long-term monogamous relationship, for in manner of Julia Roberts am relationship pariah.

Self: "Well, we know he has sym-

phony tickets. Only remaining question is, what can be in the little red bag?"

Lillian: "Ooooh! He's going to propose!"

Hermia: "Oh, for God's sake. He isn't going to propose."

Funny how throughout time in law school Hermia spouted incessant raging feminist fine-without-a-man theory only to be quickest one to sell out when nearest firm-buttoxed management-side labour lawyer appears.

Hermia: "Besides, he knows I have no desire to get married. So let's hear Bridget's news."

Made friends promise not to laugh before cautiously proclaimed: "Ladies, I am in love."

Lillian remained composed, but Hermia nearly choked on mouthful of *pommes allumettes* before doubling over in laughter.

Self: "Am dead serious." True, had only recently met him. In a bar. On St. Laurent. But still.

Hermia: "This isn't the movie producer, is it Bridge?"

Self: "Actually, yes."

Hermia: "The movie producer with the luxury hideaway in St. Sauveur and the Pathfinder with leather seats? The one who always seems to have a good supply of controlled substances on hand? And a pager?"

Self (cheeks burning): "Yes." Could see where this was going.

Lillian: "Bridget, dollie, are you sure he's a movie producer and not a drug

dealer?"

Self: "Look, I know what you're thinking... but we totally connected. And he's soooo handsome. In a retro fly kind of Diesel advert kind of way. Besides, I really dig the sideburns, the soul patch not so much. And the whole time, it was like we were just chillin'. Know what I mean?"

Hermia: "Did I just hear Miss J. Crew utter the phrase 'retro fly'? Diesel? Are we Miss Sixty now? Better yet, are we nineteen?"

Lillian: "Bridget, what you experienced the other night was not about 'connecting' or 'chillin'. It's called Mary Jane, dollie, and sure it makes kissing seem sublime, but it's not love. It's called getting high. And that was for undergrad. You're going to be a lawyer now. Lawyers defend drug dealers, they do not go out with drug dealers. Think about the ethical component of your bar admission."

Hermia nodded sagely. Okay. How ridiculous do I feel being able to comment on liability issues inherent in use of reusable launch vehicles for space tourism to applause of entire graduate-level class, only to have friends sit me down and explain that may or may not be dating a drug dealer in manner of *Re Chambers and the Queen*?<sup>1</sup> Perhaps friends should be glad that new man could mean end of getting blind drunk every Saturday night and then moaning about not having a man and being ridiculed as unattached singleton freak. No. Undoubtedly unattached singleton status more enviable than jailbird widow or Storm Man sidekick.

<sup>\*</sup> With apologies to Helen Fielding.

<sup>1</sup> (1985) 20 C.C.C. (2d) 440, 9 O.A.C. 228 (sub nom. *R. v. Chambers*) (C.A.).



# COLLECTE DE NOËL

- Du 22 novembre au 17 décembre -

Why should you take part in it?

1. Because it's the right thing to do: members of our community need your help.
2. Because it allows you to put some order in your stuff: if you don't need it and it's sitting around, why not bring it to us?
3. For Bragging Rights!

How to win the annual Food & Clothes drive

1. Take a few moments to put aside the clothes that you no longer wear.
2. Put them in a sturdy bag.
3. Add some non-perishable food items and used games.
4. Bring everything to the LSA before *December 16*.
5. Score points for your year.
6. You're still reading this? Bring items to the LSA!

N.B. Chaque article déposé au local de l'AED équivaldra à 1 point pour votre année.  
L'année ayant cumulé le plus de points remportera la compétition.

- Defending Champion : *Profs and administration*
- Score to beat : *303 items*
- All items will be distributed to *Sun Youth / Jeunesse au Soleil*
- Questions to *Seb Roy, sroy@po-box.mcgill.ca*

## Bring your donations to the LSA office

*Professors can drop off their articles in the box situated in the Green Room.*



# Basic Accounting at Enron

reprinted, and added to, by David A. Johnson Nat IV

**I**n light of the U.S. energy giant, Enron, opaque accounting techniques with respect to its balance sheets, an e-mail was circulating among oil executives. The e-mail was reprinted in the National Post (Saturday, November 17, 2001 page FP7). I have added to it, as indicated by entries with asterisks (\*).

**Feudalism:** You have two cows. Your lord takes some of the milk

**Fascism:** You have two cows. The government takes both, hires you to take care of them and then sells you the milk.

**Pure communism:** You have two cows. Your neighbours help take care of them and you all share the milk.

**Applied communism:** You have two cows. You must take care of them, but the government takes all the milk.

**Totalitarianism:** You have two cows. The government takes them both and denies they ever existed. Milk is banned.

**Mexican democracy:** You have two cows. The government takes both and drafts you into the army.

**European democracy:** You have two cows. The EU Commission decides which regulations for feeding and milking apply. If there aren't any, they invent some. They pay you not to milk the cows. They take both cows, shoot one, milk the other and pour the milk down the drain. They then require you to fill out forms of accounting for the missing cows.

**American democracy:** The government promises to give you two cows if you vote for it. After the election, the President is impeached for speculating in cow futures. The press dubs the affair "cowgate", but supports the President. The cows sue you for breach of contract. Your legal bills exceed your annual income. You settle out of court and declare bankruptcy.

**\*Canadian democracy:** You have two cows. The government taxes the milk at 66%. You can only export the milk. The cows migrate to the United States.

**\*Quebec democracy:** You have two cows. The National Assembly debates whether they are citizens of the province. The milk is shelved away from butter and margarine in the grocery stores.

**\*Lionel Smithism:** You have two cows. The government takes the milk without a contract. You trace the proceeds into transfer payments. You claim unjust enrichment. The government claims juristic reason.

**\*McGill Law School:** You have two cows. Both cows milk are graded with Bs. You graduate in three years. **Capitalism:** You have two cows. You sell one and buy a bull. Your herd multiplies and the economy grows. You sell them and retire on the income.

**Enron Venture Capitalism:** You have two cows. You sell three of them to your publicly listed company, using letters of credit opened by your brother-in-law at the bank, then execute a debt/equity swap with an associated general offer so you get all four cows back, with a tax exemption for five cows. The milk rights of the six cows are transferred via an intermediary to a Cayman Island company secretly owned by the majority shareholder who sells the rights to all seven cows back to your listed company. The annual report says the company owns eight cows, with an option on one more.

## Chico Resch sponsored by Pino&Matteo sleepwalks to a 4-1 loss.

**T**he League has come down very hard on *Chico*, as the team is now on probation and is one (maybe two if we're lucky) warnings away from being kicked out. Of course all this will be appealed – such is the path a law team will follow. Anyway, *Chico* in

its last outing played pretty poorly. They were lucky to play with lead of 1 – zip, for nearly the entire first period. Sadly, a late tying goal by the opposition just sank the team. *Chico* was out skated, out classed and simply out played. People forgot about playing their positions – over committing themselves and in turn

not doing their job either. Sigh... hopefully they'll wake up for the last game of 2001. Anyway, *Pino&Matteo's 3 Stars* (if there really are stars in a 4-1 loss) were as follows: 3<sup>rd</sup> Star went to John Goudy, 1 assist and –1 on the night. 2<sup>nd</sup> Star went to Cam, 1 assist and even on the plus/minus side. First Star (never a



surprise) was Adam Z. who picked up the only goal on the night from a blast from the point, went to box for 3 minutes and was also even on the plus/minus game. Effectively, the game sucked so I'm going to write about "BEER" as inspired by Dinesh. He brought beer to the last game and picked the game stars. The beer

civilization itself, from Ancient Egypt to medieval monks brewing the drink, downing it and wakin' up with a hang over just in time to give service. I wonder if Moses decided to split after a couple brewskies? Hmmm...now that would be something worth researching. Anyway, Mesopotamians and Sumerians were

(here in North America). There are about 70 different styles of beer we can down – some popular ones are Dark, Lager, Ale, Amber, Bitter, Wheat, Stout, Porter, Pilsner, India Pale Ale and Fruit Beer (yum yum). I recently had some Raspberry Beer and it was quite tasty. The fruit is usually added during the fermentation period or just afterwards. Normally it's made with berries but other fruit can be used such as peaches. No worries to the "real-men" out there who don't drink girly coolers – it's far from it. (That's not a sexist comment – it's a generalist one – it's kind of like saying men are stronger ... they are...Dinesh not included). Now then I have also tried 'chocolate beer' and 'mustard beer'. I have to say – this just seems to go over the line of good taste (some might be thinking this article does as well). Now pray tell you may be wondering what goes with beer? Well...everything goes with beer but for more formal occasions beer should be drank in those fancy glasses. Actually, beer should always be in a glass. It is supposed to be breath like that of a fine wine. On more expensive bottles you'll notice pictograms, which illustrate what kind of beer is supposed to be put in what kind of glass. This article has gone on long enough as I'm really just on a rant. So, in closing I'd like to quote Benjamin Franklin who said, "Beer is proof that God loves us and wants us to be happy." Cheers.

## An integral part of hockey is beer.

he brought, however, left something to be desired. It was some of the oldest beer anyone could possibly bring to a game and force his 'buds' to drink. My god – the Molson Dry was dated as being bottled in 1998 and the Labatt 50 he "forced" us to drink, if I recall correctly, were in stubbies, you remember those bottles don't you? According to Molson beer, if properly stored in a cool dry place, will remain fresh about 3-4 mths. Again, the beer Dinesh twisted our arms to drink was about 4 years old and we had no idea if it was properly stored through out that time period. His ice time has just been cut!

An integral part of hockey is beer – its as much as part of the game as sticks and skates. The history of beer though is much longer than that of hockey (this may come as a surprise to some) Beer is as old as

brewing as early as 10,000 BC. Monks later refined it by adding preservatives, such as hops, (whatever that is) to prolong the life of the beer. Then along came this guy named Louis Pasteur who figured out that yeast is a living micro-organism, which can be measured and controlled when converting sugar to alcohol. All right, by now you should have figured out why we use the language "pasteurizing beer". Now why oh why are Germany and the U.K. known for their beer? Well...in a nutshell it's because barley grows better in cooler climes. This production was taken very seriously, as it was in the New World, where beer was a major component of the Pilgrim's diet (notice the plug for the U.S. Thanksgiving?). Skipping ahead past those crazy prohibition times. One may be wondering how many different styles of beer exist

## Un sarcophage saugrenu

par Elisa Norena, Law I

**V**oici une petite histoire qu'on m'a racontée... attention, ceci vaut la peine d'être précisé, elle est *entièrement vraie*. La personne qui me la contait au Coffee House connaît les héros de ce récit surprenant, tordu, à la fois

morbide et hilarant, mais surtout, vrai.

Une jeune fille dans la vingtaine est partie en vacances en Floride (soupir !) avec ses parents et sa grand-mère. Il faut imaginer ces 4 joyeux touristes dans leur voiture, les bagages dans le coffre arrière, les

cartes routières à la main, bavardant, se passant le sac de biscuits et changeant le poste de radio chaque fois que les chauffeurs se relayaient. Au bout de quelques jours de route, ils arrivent enfin en Floride et se précipitent sur les plages où ils se font griller les aisselles, le visage



derrière les verres fumés, les doigts de pied en éventail. Jusque là, c'est la belle vie.

Malheureusement, la grand-mère meurt quelques jours plus tard. La triste famille, bien embêtée, se demande quoi faire et surtout, comment faire pour éviter d'avoir à payer les frais de rapatriement du cadavre jusqu'au Québec. Il n'y a apparemment pas eu de constat d'un coroner. Or, pour faire le chemin de retour en voiture avec un mort, ce n'est pas évident. ... Ils ont donc trouvé une solution plutôt insolite : ils ont mis la grand-mère dans la grande boîte à rangement/équipement qui se trouve attachée au toit de la voiture !!! Allez, hop ! ... Pauvre mémé...

L'histoire ne se termine pas là, la fin est encore plus croquante: Le même après-midi, ils se sont fait voler leur voiture. *Voler leur voiture !* Avec les bagages, les cartes routières, les biscuits, la grande boîte à rangement/équipement sur le toit de la voiture,... et la mémé !!! J'imagine la réaction des voleurs lorsqu'ils ont ouvert la boîte... Oh non, c'en est trop. Mais le plus malheureux, c'est que c'est vrai... Pas d'chance la mémé...

Mais, moi j'me demande ce que ces gens pouvaient bien penser déclarer aux douanes avec leur grand-mère morte sur le toit. Non mais sans blagues, ils auraient dit : «Un bronzage, des souvenirs et notre mamie qui dort dans la boîte sur le toit » ??? Et puis d'abord, à part le fait qu'ils comptaient trimbaler avec eux un cadavre, ce qui leur aurait donné un tout petit air de meurtriers, est-ce que c'est même légal de se promener avec un mort sans l'avoir déclaré et surtout, de passer des frontières ? Et de toutes façons, jamais je n'aurais pu faire tout le trajet du retour sachant que ma pauvre mamie décédée est juste au-dessus de moi. La personne qui racontait cette péripétie a précisé que bien sur, la famille n'a pas fait de déclaration de vol. Evidemment. Comment est-ce qu'ils auraient justifié tout cette histoire? Malheureusement, je n'ai pas su la fin de l'histoire, mais j'espère que quelqu'un, les voisins, les assurances, n'importe qui s'en est rendu compte... Enfin, quand même, une voiture *et* une personne ne peuvent pas disparaître sans que qui que ce soit s'en rendent compte, ou alors je commence tout de suite à m'inquiéter...

Ceci dit, y'a vraiment des gens tordus. Quelle idée ! Je n'en reviens toujours pas et surtout, surtout, je me vois très mal être avocat de la défense. Ou alors, ce serait faire l'avocat du diable, c'est le cas de le dire...

**NOTICE: This is the last *Quid* of the Semester.**

## Tales From the Barreau III: The Miracle in the Morning

by Al "Ex Presidente" Mendelsohn,  
Alumnus I

63. Never before have two numerals looked so magnificent to me. I'll write it out: sixty-three. It looks just as good. Never before have I been so relieved to see that number. You should know that you need 60 percent to pass a Barreau exam. Whew.

There are some pass/fail assignments and exams at Law School - methodology, for example (although I hear even that has changed since I left). You are at least relieved that you passed - although a monkey, or Dean Taylor, could pass some of those methodology assignments, at least the ones I had to do a few years ago. Some things in life are pass/fail - look at your driver's license test. No one remembers how well they did on that test, just that they passed and they can now drive a car, and they are happy and relieved that they can get in the family's Honda and drive down to Albany next summer to see that Phish show they always wanted to go to.

So that's how I felt, but to a much greater extent than any Law School exam or Driver's test, at 8:03 A.M. last Thursday, when the marks from Preuve et Procédure (the first exam) became available on the Barreau website. A combination of thrill and relief, with the relief taking over as the minutes passed. I gave it a quick Tiger Woods fist pump and a Marv Albert "YES!" when I saw the mark, but then I realised there were still five more marks to come in the future and I went to have breakfast.

Let me set the scene of the Thursday Thrill, the Miracle in the Morning. First of all, I had just written the second exam, Civil I, on that Monday. It was OK. I came out of it feeling like at least I had a good shot at passing, which compared to the way I felt coming out of Preuve et Procédure, was a great



feeling - which probably means I'm screwed. After a day of rest on Tuesday, you go right back to school Wednesday, thanks to the wonderful Barreau schedule. Oh, by the way, you were supposed to have read 120 pages for Wednesday (HAHAHA, no really I'm serious), so Tuesday wasn't much of a rest - at least for the keeners from U de M. Believe me, I slept in and watched ESPN Classic all day, with a touch of Oprah. By the way, has anyone noticed Oprah has become insane over the last few years?

On Wednesday night, I had only my second Barreau nightmare. I

towards 8:00, when I knew the marks became available. Finally the clock turns to 8:00, and I almost get out of bed to check my mark. I tell myself, "no, I can't check it at 8:00, that would be sick." I wait until 8:03. Much saner.

So I'm in front of the computer, I open Internet Explorer and go to the Barreau site, which I had placed in my Favorites list the night before (oh yeah, I'm really sane). I type my student number into the little box, and the computer churns and hums and makes noises and it seems like an eternity as I wait for something to come up. In this eternity, I am able to

inside info about Blair's weight and the network's attempt to kill the show after its first year. Quick quiz: what show did Facts of Life spin-off from? Hint: its child stars ended up in a lot more trouble than the squeaky clean Facts of Life girls. Anyway, here's three things I learned from watching Facts of Life episodes, stoned, all weekend:

1. The first season, where Tootie is on roller skates (terribly stereotypical and racist, by the way) was AWFUL, even with a young Molly Ringwald in the cast;

2. The last couple of seasons, when they moved into Mrs. Garrett's gourmet shop, were just as bad;

3. I am still in love with Jo Polniaczek.

By the way, I did not watch the Facts of Life Reunion. I rarely watch those reunion shows - I think they're too depressing. One more thought about the Facts of Life. There is this Married with Children episode where the Bundys finally get cable, but the only thing on is Facts of Life reruns. The sight of Al sitting on the couch with this look on his face, singing along with the theme sing ("you take the good, you take the bad..." - you know it's in your head right now) was absolutely killer. Married with Children is a show everyone rags on, but it's smarter than you think.

And finally, one more thought on the Barreau, with very special thanks to Theo who keeps pointing this out. How come in this province you can break up the country with 50% plus one, but you need a 60% to pass a Barreau exam? Discuss.

P.S. If you are a single woman who looks like Nancy McKeon (who played Jo), please email me at [almendelsohn@hotmail.com](mailto:almendelsohn@hotmail.com). I have a few fantasies I want to live out. It would be a bonus if you had a motorcycle.

## I am still in love with Jo Polniaczek.

say "only" because some people have them all the time, so I consider two a sign of a very healthy psyche. If you know The Simpsons, you know Homer has a dream where he's in a land of chocolate, where everything is made from chocolate and he takes bites out of a lamppost and a dog, and then is excited when the chocolate store has 50% off. Brilliant. My dream was sort of like that, except everything was made out of 59's. 59's were everywhere, even falling out of the sky. That'll make you wake up with your heart pounding, which I did, at about 6:00 A.M. I didn't get back to sleep. I stared at my clock radio, listening to Team 990 (Montreal sports fans, do you love this station or what? Although Ted Blackman needs to be sent off on an ice flow already). I'm watching the minutes tick away (really buzz away - no clock radio actually ticks)

reflect on the entire history of law, from the Code of Hammurabi right through to the International Criminal Court. Finally the screen changes. I see my student number, the words "Preuve et Procédure" followed by two digits. At least I got above 9. My eyes zoom in on the first digit. It's a six. That's all that counts. I check at least five times to make sure that it really is my student number. It is. You know the rest.

My thrill and relief allow me to celebrate over the weekend. I go to my country house and settle in front of the TV with our American satellite dish and smoke a lot of weed (we all celebrate in our own way). Lucky for me, the dish is loaded with the Facts of Life in preparation for the reunion show on Sunday night. TV Land is showing old episodes 24 hours a day, and there's the E! True Hollywood Story on the show, complete with



# Hockey Quiz Answers

1. Lord Stanley of Preston, Governor General of Canada donated the Cup that bears his name to the amateur champion of the Dominion of Canada in 1893. It cost about 50 bucks.

2. Until 1926, the Cup was technically a challenge trophy. There were two trustees of the Cup (even hockey cannot escape the grasp of the law) who decided what teams were worthy enough to challenge for the Cup every year.

3. The first pro league was formed by a Michigan dentist in 1904 – the International [Professional] Hockey League. The first pro league in Canada was formed out in Manitoba (guess those farm boys don't come cheap) in 1907.

4. In 1908, the Montreal Wanderers were the first team to admit that they got paid for playing hockey, although everyone knew the best players were compensated long before that. In 1911, Cyclone Taylor was signed to a contract calling for \$5,250 – for 14 games. Meantime, baseball legend Ty Cobb made \$6,500 for a 154-game season (and by comparison, a store clerk could expect \$35 a month).

5. The Kenora *Thistles* won the Cup from Montreal in January 1907. Of

course, the Wanderers won in back in March of the same year – and that taught those small-market teams to play with the big boys.

6. 'One-Eyed' Frank McGee was KIA at the Battle of the Somme (in 1916, NOT 1917). [His cousin was slain politician D'Arcy McGee.]

7. Six players were on the ice for the NHA – just like today (of course, at that time the goalie wasn't allowed to drop to the ice to make saves). This was significant because it meant the elimination of one player – and one salary – the 'rover'.

8. The Habs played their first game at the (outdoor) Jubilee rink on January 5<sup>th</sup>, 1910. They moved later that year to the Westmount arena, and then to the Mount Royal arena in 1917. The Forum opened in 1929.

9. The Northern Fusiliers of the 228<sup>th</sup> Battalion entered the NHA in 1916, but were shipped overseas before the end of the season.

10. The NHL was formed in 1917 when the owners of three NHA teams formed a new league to rid themselves of unpopular Toronto owner Ed Livingston (those Torontonians, always unpopular).

11. The Boston Bruins entered the NHL in 1924. And it's been downhill ever since.

12. The OHA donated the Memorial Cup as the symbol of Junior hockey supremacy in Canada to honour those many hockey players who gave their lives during the Great War (two members of the Hockey Hall of Fame were killed in the war.)

13. Montreal teams have won *forty* Stanley Cups. The AAA, Shamrocks, Victorias, Wanderers, and Maroons combined for 16 Cups, to go along with the 24 of that the Canadians have won. (Toronto has won 14 in total, Winnipeg two.)

14. The Montreal AAA (Amateur Athletic Association) *Winged Wheelers*' logo was basically ripped off by Detroit owner Bruce Norris in 1932 (so much for the law).

15. 1940. The Habs won the Cup in 1932, but by 1940 there were rumours of a move to, horror of horrors, Cleveland. In 1938 there were sold to a group led by Senator Donat Raymond. If it is any consolation, they would win the Cup in 1944 (so Habs fans, just hold on until 2005.)

## Career and Placement Office

NEWSLETTER, NOVEMBER 22, 2001  
Hello everyone,

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- 1) RÉSUMÉ PROGRAMME – si vous êtes à la recherche d'un stage!
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- 4) GUIDE TO CAREERS IN PUBLIC INTEREST LAW – New!
- 5) LL.M. NEWS
- 6) SUMMER PROGRAM
- 7) ARTICLING and SECOND-YEAR SUMMER POSITIONS in Alberta/BC
- 8) PART-TIME WORK
- 9) CPO OFFICE HOURS & OTHER NEWS – Erratum Ogilvy Renault
- 10) POSITION FOR GRADUATES

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- 1) RÉSUMÉ PROGRAMME – si vous êtes à la recherche d'un stage!

Les étudiants qui en sont à leur dernière année et qui n'ont pas de stage sont invités à venir me rencontrer et à m'apporter leur CV accompagné de leur(s) relevé(s) de notes. Le CPO procédera à l'envoi de CV dans les petits et moyens cabinets du



Québec et/ou de l'Ontario.

Veuillez prendre note des heures de bureau à l'item no. 9.

2) THE LEGAL HANDBOOK – everything you need to know about legal placement...!

It is available at the CPO. Il s'agit d'une nouvelle édition, revue, corrigée et augmentée! Même bas prix que l'an dernier : 10\$.

### 3) HUMAN RIGHTS/COMMUNITY SERVICE POSITIONS

- Student Researcher (Summer 2002): The Montréal-based Canadian HIV/AIDS Legal Network seeks two law student researchers for a period of 10 weeks in the summer of 2002. Students will research and write a paper on a legal, ethical, or human rights issue related to HIV/AIDS, will assist Network staff in research for other projects, and may be asked to assist in various other tasks. They offer students an opportunity to work in a community-based organization that undertakes cutting-edge legal research, writing, and advocacy, both in Canada and internationally. The positions require highly organized persons with excellent legal research and writing skills, the ability to work independently, and some knowledge of and interest in HIV/AIDS and social issues. Preference will be given to people with bilingual ability in English and French. Students are paid at the rate of \$14/hour and are expected to work 35 hours/week. Working hours are flexible.

Please forward your covering letter and detailed resumé by 15 January 2002 to: Student Researchers Hiring Committee, Canadian HIV/AIDS Legal Network, 417 Saint-Pierre Street, Suite 408, Montréal QC H2Y 2M4. Fax: (514) 397-8570; email: [hiring@aidslaw.ca](mailto:hiring@aidslaw.ca)

Deadline for application is 5pm on Tuesday, 15 January 2002

Interviews will be scheduled for late January. The successful candidates will be notified by the end of January. They will only contact the candidates who will be invited for an interview. More information on the

Legal Network is at [www.aidslaw.ca](http://www.aidslaw.ca). Comments about her experience at the Network from a previous student researcher are at :

<http://www.aidslaw.ca/Maincontent/otherdocs/NetworkNews/e-oct00.htm#10>.

- Legal Services Branch – Management Board Secretariat, Toronto, is looking for articling students (2003-2004) as well as a second-year summer student (deadline: March 2002). The Branch consists of 34 counsels, one Director, three articling students and staff. The Branch is in 2 locations. The Branch is divided in 5 administrative units:

1. I & IT and Corporate/Commercial Practice Group
2. Thea Access and Privacy Law Practice Group
3. The Labour Practice Group
4. The Pensions and Benefits Practice Group
5. The the Administrative Group

If interested, please submit your application to:

Marilyn Dyczkowski  
Legal Services, Management Board  
2nd Floor, Frost Building South  
7 Queens Park Cres. East  
Toronto, Ontario M7a 1Z5  
Tel: (416) 325-9393  
Fax: (416) 325-9404  
Email: [marilyn.dyczkowski@mbs.gov.on.ca](mailto:marilyn.dyczkowski@mbs.gov.on.ca)

### 4) GUIDE TO CAREERS IN PUBLIC INTEREST LAW

U of T just published "Putting the Pieces Together...A Guide to Careers in Public Interest Law". Copies are available at the CPO for \$12.

### 5) LL.M. NEWS

One of your colleagues asked me to share this information with you:

- Suffolk University Law School seeks applications for up to three positions as Clinical Professors of Law. These new positions will be long-term contract positions, pursuant to Suffolk's recently adopted policy for hiring and promoting Clinical Professors. Under this new structure, individuals hired will proceed,

after evaluation, through two consecutive, three-year terms followed by renewable five year contracts. The three anticipated positions will be filled by candidates who show interest, promise, and/or expertise in areas of Civil Legal Services and Litigation. The specific areas under consideration may include, but are not limited to: housing law, employment law, benefits, family law, and domestic abuse.

Specific responsibilities of each Clinical Professor include cooperative assistance with the Director of Clinical Programs and other clinicians in the development of a new and coordinated clinical program; clinical student teaching and supervision; case management; the development and teaching of one course in the classroom curriculum each year; the development of the educational and service aspects of the clinical programs; and service to the Law School.

Review of candidates will begin by October 15, 2001.

To apply, contact Professor Charles P. Kindregan  
Chair, Clinical Programs Committee  
Suffolk University School of Law  
120 Tremont Street  
Boston, MA 02108-4977  
WEB: [www.law.suffolk.edu](http://www.law.suffolk.edu)

- Vermont Law School seeks a Director for its Academic Support Program. The Director provides individual tutoring and workshops to acclimatize students to the study of law, assistance to students in academic trouble, with disabilities, and for whom English is a second language, and bar examination preparation. This position requires knowledge of legal theory as well as analytic, writing and other skills necessary to succeed in law school. Applicants must have a J.D. degree, strong law school credentials, and excellent interpersonal skills. Preference will be given for experience in the following: academic support and counseling, law school teaching, administration, disability accommodation, multi-cultural issues, English as a second language.

Applicants should send a resumé, references, and a writing sample to:



Associate Dean Stephanie J. Willbanks  
Vermont Law School  
PO Box 96  
Chelsea Street  
South Royalton, VT 05068  
WWW.vermontlaw.edu

Review of applications will begin January 1, 2002, and continue until the position is filled.

-UNIVERSITY AFFAIRS/AFFAIRES UNIVERSITAIRES: The CPO now holds the monthly publication. The CPO will let you know about positions offered in Canadian Universities.

In the December issue: University of New Brunswick (3 tenure-track or contract positions); University of Windsor (1 Paul Martin professorship in International Affairs and Law); University of Western Ontario (tenure-track and limited term positions); UBC (one tenure-track position in the area of Dispute Resolution). For more information, please consult the issue available at the CPO.

#### 6) SUMMER PROGRAM

-US Securities Summer Honors Program : The Securities and Exchange Commission's Summer Honor's Program deadline is rapidly approaching on November 26th for 2Ls and March 1st for 1Ls. They want to inform you that due to the recent slowdown in the mail service, the U.S. Securities and Exchange Commission has not been receiving mail in a timely manner. We therefore suggest all interested applicants send the applications by Federal Express, UPS or by fax (202-942-9637) to:

Candyce Pare  
Summer Honors Program (2002)  
US Securities and Exchange Commission  
450 Fifth Street, NW  
Washington, DC 20549-0801  
WWW.sec.gov/jobs.shtml

#### 7) ARTICLING and SECOND-YEAR SUMMER POSITIONS in Alberta/BC

-CLCDN/Quicklaw Survey, Alberta: Borden Ladner Gervais (www.blgcanada.com) and Duncan

McCachen (www.duncanmccachen.com) are looking for summer 2002 students and/or articling students for 2003/2004. Please check their web sites or the Survey at the CPO.

-CLCDN/Quicklaw Survey, BC: Singleton Urquhart, Vancouver (www.singleton.com) is looking for articling students for 2003/2004. Please check their web sites or the Survey at the CPO.

#### 8) PART-TIME WORK

Me Alain Dubois est à la recherche d'un étudiant(e) ayant un intérêt en droit criminel et pénal. Fonctions : Recherche et résumés. Exigences : 3e année, connaître tous les outils informatiques et avoir le maximum de cours en droit criminel. Langues parlées et écrites : français et anglais. Temps partiel : 10\$/heure.

Coordonnées :

Me Alain Dubois  
70 de la Barre, Suite 116  
Longueuil (Québec)  
J4K 5J3  
Tél : (450) 646-2613  
Fax : (450) 646-4225

#### 9) CPO OFFICE HOURS & OTHER NEWS – Erratum Ogilvy Renault

- Please take note of the new CPO office hours: Tuesday afternoon, Wednesday afternoon and Thursday morning. In order to secure an appointment, I encourage you to make an appointment.

- Me Mario Caron de Ogilvy Renault souhaite que je vous informe d'une erreur qui s'est glissée dans la Revue Les Carrières du Droit présentement disponible au Service de placement. Dans la liste des recruteurs, les responsables des bureaux de Montréal et de Québec ont été intervertis : Me Caron travaille au bureau de Montréal tandis que Me Pariseau est au bureau de Québec.

#### 10) POSITION FOR GRADUATES

- BILINGUAL LEGAL EDITOR  
LEGISLATION : Quicklaw, Canada's online legal information service has a full-time,

permanent position for a bilingual legal editor in Kingston. Candidates will possess a degree in law, Law Society membership, one year post-call experience and an interest in a career of legal publishing. The position involves the editing of federal and provincial bills, statutes and regulations. Attention to detail and proficiency in WordPerfect and Word are necessary. Experience in legislative drafting will be an asset. Quicklaw offers an excellent salary and benefits package.

Please submit your résumé by e-mail, mail or fax to:

Pamela Thompson  
Senior Legal Editor  
Box 2080, One Gore Street  
Kingston, Ontario  
K7L 5J8

E-MAIL [pthompson@quicklaw.com](mailto:pthompson@quicklaw.com)  
FAX: (613) 549-4875

\*\*\*\*\*  
Should you require more information, please contact the Career Placement Office by e-mail: [st-laurent@falaw.lan.mcgill.ca](mailto:st-laurent@falaw.lan.mcgill.ca) / [placement@lsa.lan.mcgill.ca](mailto:placement@lsa.lan.mcgill.ca) or by telephone: (514) 398-6618 / 398-6159

FOR MORE INFORMATION,  
PLEASE CONSULT THE BOARDS

Brigitte St-Laurent

**Notice:** Attachments are automatically scanned for viruses using

## NOTICE:

**This is the final *Quid* of the semester but feel free to submit stuff at any time over the next few weeks. The deadline for the next issue is Friday, 11 January at 5:00 pm. Enjoy your exams and don't stress too much about the holidays.**



# Chess Corner

By Pablo E. Bustos

*"Amberly excelled in chess - one mark Watson, of a scheming mind."*

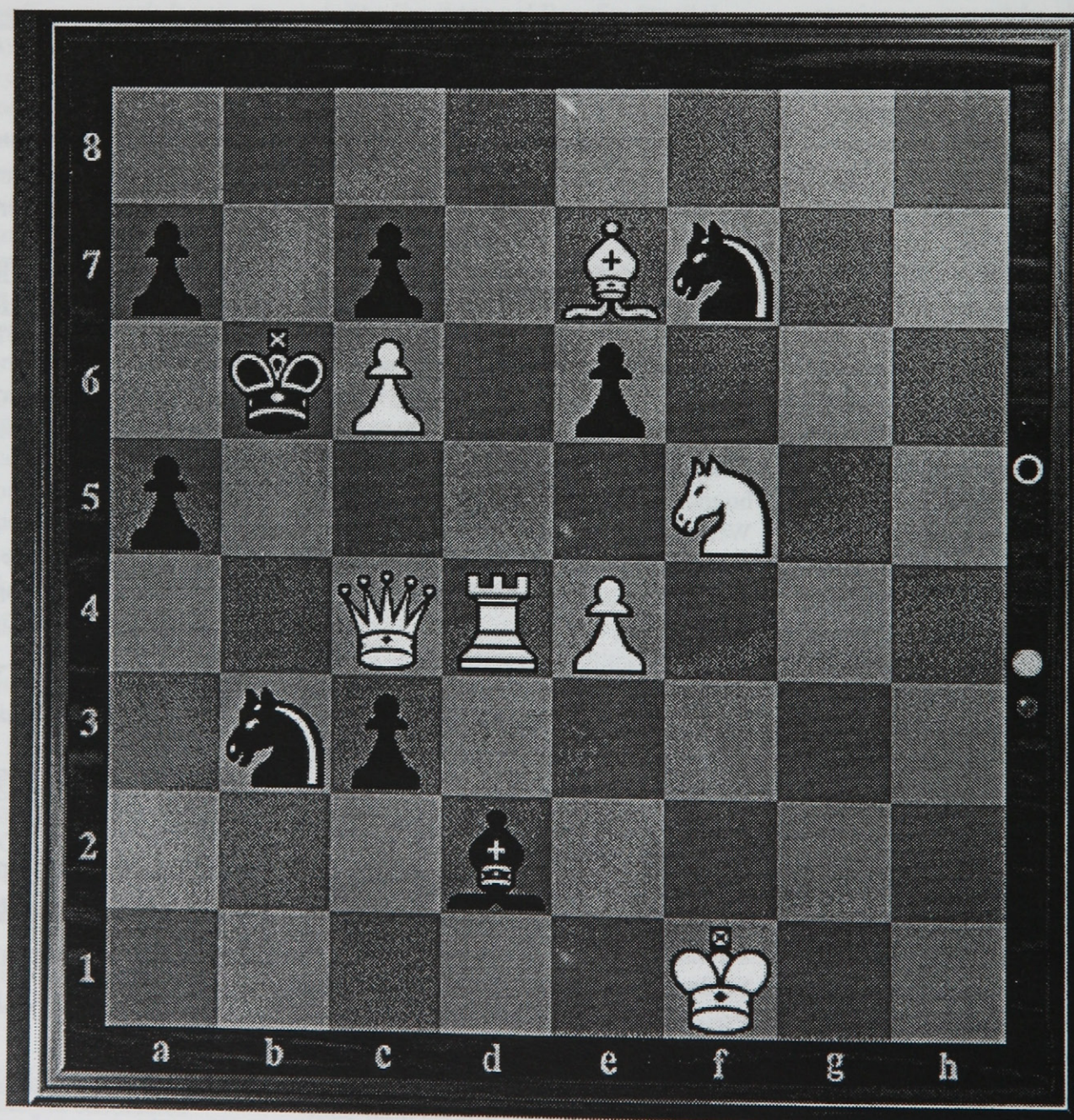
- Conan Doyle

For those who are still interested in obtaining information about playing organized chess in the faculty, please contact Marc-Etienne Sicard at [sicardm@lsa.lan.mcgill.ca](mailto:sicardm@lsa.lan.mcgill.ca)

The problem in this Chess Corner was reprinted with permission of Sterling Publishing Co., Inc., c/o Canadian Manda Group, Toronto, Ontario from 200 CLASSIC CHESS PUZZLES by Martin Greif, ©1993 by Martin Greif.

\* \* \* \* \*

**White to play; forced mate in three, possible mate in two.**



Solution on page 24.



# Yankees Suck

Submitted by Adam Allouba, Law II

They don't call it the Fall Classic for nothing. The World Series has been played but twice since 1903 and has generated some of the greatest moments in athletic history, goats and heroes for the ages. The 2001 instalment had a great setup. In the one corner, pure evil. "Rooting for the New York Yankees," Red Smith once said, "is like rooting for U.S. Steel." Hating the Yankees is hard enough, but when they've won four of the past five championships it's downright agonising. In the other corner, the new kids. The Arizona Diamondbacks were born in 1998 and represented in a state which didn't EXIST when the Yankees began play. The team may have been new, but the names were not. Johnson. Schilling. Grace. Bell. Williams. Finley. Swindell. Morgan. They added up to one of the oldest teams in history. Were they intimidated, facing off against the most successful franchise in sports? "Aura and Mystique," propounded Curt Schilling, "are dancers in a nightclub."

Game 1 saw the aforementioned Schilling at home up against the \$88 million man, Mike Mussina. Things started off ugly, as the bad guys jumped out to a one-run lead on Bernie Williams' RBI double. Arizona got that run back in the bottom of the inning and never looked back. Four in the third, four more in the fourth. Final score: Diamondbacks 9, Yankees 1. Game 2 was a tighter affair as 6'10" Randy Johnson locked horns with Andy Pettitte for 7 innings. They matched each other almost pitch-for-pitch until Matt Williams belted a three-run shot to left in the eighth. Johnson finished the whitewash as Derek Jeter lined softly to second for the last out. Final score: Diamondbacks 4, Yankees 0. Up by two, Arizona looked to be in good shape.

Game 3. Yankee Stadium. The House that Ruth Built. Some smart-aleck in the bleachers had a sign: "Mystique and Aura appearing nightly." Arizona's Achilles Heel was going to be on display as neither Johnson nor Schilling would be on the mound. Brian Anderson (who?) would be throwing against the Yankees, while the Yanks would ride the Rocket. Roger Clemens is revolting, but he's got 97 MPH high heat and a nasty splitter. Anderson has... a purple uniform? You never know. Anderson went 5 2/3, giving up just a pair of runs and throwing 70 strikes and just 37 balls. The Rocket, unfortunately, did him one better and left with a one-run lead after the seventh. In the eighth, Mariano Rivera came in. Rivera? Game over. Twenty-three straight postseason saves going back to 1997. Sure enough, the Diamondbacks went in order. Final score: Yankees 2, Diamondbacks 1. So the pinstripes got one back. Arizona's still a game up.

Game 4 spawned a very silly managerial controversy. Would Bob Brenly put Schilling out there on three days rest? He'd never thrown on short rest in his life. Since 1999, the critics pointed out, World Series starters throwing twice in four days were 1-9 with an ERA of 9.73. Yes, but none of them was Curt Schilling. The man had thrown 3 complete games in the postseason. He threw just 102 pitches in Game 1. Give him the ball. Brenly put his horse out there and Schilling did exactly what's expected of him, outduelling El Duque with seven great innings and departing with a 3-1 lead. In the eighth, 22-year old Byung-Hyun Kim trotted in from the 'pen for the two-inning save. Brenly raised some eyebrows, lifting Schilling after just 88 pitches. Living dangerously, Kim went to a full count on three straight Yankees, but fanned all on the payoff pitch. The

Diamondbacks did nothing in the top of the ninth, but with a two-run lead going to the last of the ninth, who cares? First man up was Jeter. Grounder to third. One down. O'Neill singled to left. Big deal. Williams was next up and whiffed on a terrible swing. Two down. Arizona was one pitch away from a 3-1 series lead. Next up was Tino Martinez. Martinez came to the Yankees from Seattle after the '95 season and had been a solid, though not spectacular, first baseman. From the stretch, Kim went down low in his submarine-style delivery and threw Martinez a fastball meant to paint the black. Too much of the plate, BK. Martinez launched a shot to center, one of the loudest cracks of the bat I've ever heard. It was gone the second he hit it. On the other end, Steve Finley scrambled desperately over the wall but it was well out of reach. Tie game. An inning later, the clock ticked past midnight. "Welcome to November baseball," said the scoreboard. Four minutes later, Kim threw a cookie to Derek Jeter. Opposite field shot, and in this park those leave in a hurry. Final score: Yankees 4, Diamondbacks 3. Tough loss, but hey, it's still a tie series and Arizona has home-field advantage.

Game 5 started well, as poet/pitcher Miguel Batista continued Arizona's surprising success with their 'other' starters. 7 2/3 spectacular innings and 126 pitches later, the Diamondbacks were on top 2-0 heading into the ninth. Would Brenly bring in his closer? Sure, Kim had given up one of the biggest longballs in the game's history, but you dance with the one what brung ya. Jorge Posada greets him with a bloop double to left. Not to worry. Shane Spencer hits a roller to Matt Williams, and Chuck Knoblauch flails at strike three. One more out, and the Diamondbacks will be a game away from the title. Standing between Arizona and victory is Scott Brosius. Brosius is a grunt, or the nearest thing to it on a New York club. Not that he hasn't come up big in the past. This was the 1998 World Series MVP, after all. Kim's first



pitch missed for a ball. Just like last night, Kim went into his submarine delivery. Just like last night, the pitch hung out over the plate. Just like last night... Brosius swung. A roar went up over the stadium. A split second before they cut to the flight of the ball, Brosius lifted his left arm in triumph. As scripted, the Yankees won in the 12th. Ninth inning? Two runs down? Two outs? Oh God, not this. Not again. Twice in World Series history, a team had rallied from two runs down in the ninth. Now twice in two days. Kim? He sank into a forlorn crouch on the mound. As Tim McCarver pronounced, "I have never seen anything like it."

After Brosius returned to the dugout, Kim stood. Upon his face was the most pained expression I have ever seen worn by another human being. Mark Grace came in from first and put his arm around the young righty. I thought of Donnie Moore, who killed himself in 1989 after giving up a devastating ALCS home run 3 years earlier. Final score: Yankees 3, Diamondbacks 2. Arizona would have to win two straight at Bank One.

After back-to-back classics at Yankee Stadium, Game 6 at the BOB was a laugh. As one sign said, "Aura and Mystique have left the building." Randy Johnson was solid, but the story was the Arizona offence. Fifteen runs and a series record 22 hits. Fireman Jay Witasick was more of an arsonist as ten of his fourteen hitters reached, including eight of the first nine. The crowd even cheered the beleaguered Kim when he was shown on the board. Final score:

Diamondbacks 15, Yankees 2. New York was hurting, but never count the pin-stripes out.

Game 7. Other sports have copied it, but none do it better than baseball. History? 1926, Old Pete Ks Lazzeri. 1955, Amoros' catch. 1960, Maz homers. 1991, Morris goes 10. 1997, Marlins in 11. Schilling. Clemens. One game to win it all. The Diamondbacks starter, again going on short rest, faced the minimum through 6. In the bottom of the fifth, Arizona eked out a run to break a scoreless tie. The bad guys got it back in the top of the seventh. In the bottom of the frame, Schilling was due up first. Who would Brenly use to pinch-hit? Surprise, surprise, none other than Schilling himself stepped up. Brenly took a huge gamble and it appeared to blow up in his face when Soriano clubbed a splitter into the left-field stands in the eighth to give New York a 2-1 lead. Johnson came in with barely 24 hours rest and mowed the Yanks down. With Arizona up, Rivera came in. Lights out, as he smoothly retired the side. After the Yankees went in order, it comes down to three outs against the most dominating pitcher in postseason history. Bleak enough for you?

First up, Mark Grace. The long-suffering ex-Cub (yeah, it's redundant) fought off a cutter to single to center. Next is Damian Miller, laying down the expected bunt. Rivera handled it ably, but spins to fire to second. There's a reason they teach kids to take the sure out. Rivera's

throw tails away from Jeter and ends up in center. Two on, none out. Hitting for Randy Johnson was Jay Bell, one of the best bunters in the game. Bell tapped the ball too straight and too hard, giving Rivera the easy out at third. Tony Womack dug in. Rivera dealt... double down the right field line! Runner scores! Tie game! After Craig Counsell got hit to load 'em up, Luis Gonzalez choked up in the box ("first time all year," he later intimated). Rivera threw his best darting fastball. Gonzo swung, the kind of short swing hitters take when they're just trying to punch it somewhere. Joe Buck ain't Russ Hodges, but he's all we've got:

"FLOATER! CENTER FIELD! THE DIAMONDBACKS... ARE WORLD SERIES CHAMPIONS!"

Baseball. What a glorious game.

## Solution to the Chess Problem

- | White   | Black                                  |
|---|--|
| 1) The Rook on D4 Moves to D8                     | The knight on F7 takes the Rook on D8* |
| 2) The knight on F5 moves to D6                   | Any Move                               |
| 3) The queen, bishop, or knight mates accordingly |  |

\* The book I took this problem from says "The variations are obvious." The rook on D8 threatens mate in the next move by moving to B8. The black king can't move, and moving the other black knight, bishop, or a black pawn cannot stop mate in one or two moves.